



(RBK/KMW), 2010 WL 4746214, at \*3 n.1 (D.N.J. Nov. 15, 2010). Because Defendant has indicated that it has been waiting six months to file a motion for summary judgment (Reply at 13), the Court will await filing of those papers to reach any decision.

For these reasons,

**IT IS** on this 22nd day of December, 2010,

**ORDERED** that Defendant's motion to dismiss (docket entry no. 41) is **DENIED**; and it is further

**ORDERED** that Defendant file its motion for summary judgment within three weeks of entry of this order.

s/ Stanley R. Chesler  
Stanley R. Chesler, U.S.D.J